

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 03/02678	International filing date (<i>day/month/year</i>) 09.09.2003	Priority date (<i>day/month/year</i>) 13.09.2002
International Patent Classification (IPC) or national classification and IPC G02B5/28		
Applicant ATMEL GRENOBLE S.A. et al.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 4 sheets including this title page. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT). These annexes consist of a total of sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 05.04.2004	Date of completion of this report 13.05.2004
Name and mailing address of the IPEA <div style="display: flex; align-items: center;"> <div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016 </div> </div>	Authorized officer: Mollenhauer, R Telephone No. +31 70 340-3920 <div style="text-align: right;"> </div>

I. Basis of the report

1. This report has been drawn up on the basis of the following elements (*the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).*):

Description, pages:

1-11 as originally filed

Claims, No.:

1-4 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims	1-4
	No:	Claims	
Inventive Step	Yes:	Claims	1-4
	No:	Claims	
Industrial Applicability	Yes:	Claims	1-4
	No:	Claims	

2. Citations and explanations

see separate sheet

Concerning point V

Reasoned statement under Article 35(2) as regards novelty, inventive step and industrial applicability; citations and explanations in support of this statement

Reference is made to the following document:

D1: EP-A-0 903 615 (NIPPON TELEGRAPH & TELEPHONE) 24 March 1999.

1. Document D1 (figure 21 and §[0109]) discloses an optical filtering component having all the features of the preamble of claim 1, but not the features of the characterizing part of claim 1.
Claim 1 is therefore **novel** (Article 33(2) PCT).
2. Claim 1 differs from D1 in that the return means are designed so that the light that has passed through the filter a 1st time at a 1st angle of incidence passes through the second filter a 2nd time at a 2nd angle of incidence.
Thus, a single cavity is needed to obtain a transfer function defined by the multiplication of two different transfer functions.
Although D1 in figure 27 also shows return means for providing a 2nd passage of the light, there is no longer multiplication of two different transfer functions.
Claim 1 is therefore **inventive** (Article 33(3) PCT).
3. Claims 2 to 4 depend on the 1st claim and are therefore also novel and inventive.